

1 ANNA Y. PARK
2 U.S. Equal Employment Opportunity Commission
3 Los Angeles District Office
4 255 East Temple Street, 4th Floor
5 Los Angeles, CA 90012
6 Tel: (213) 894-1083
7 Fax: (213) 894-1031
8 email: lado.legal@eeoc.gov

FILED
Clerk
District Court

SEP 26 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

YUN'S CORPORATION,
TOWNHOUSE INCORPORATED,
and DOES 1-10, Inclusive,

Defendants.

Civil Action No. CV 07 - 0031

**COMPLAINT AND JURY TRIAL
DEMAND**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), the Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k) and Title I of the Civil Rights Act of 1991 to correct intentional and unlawful employment practices on the basis of sex (pregnancy), and to provide appropriate relief to Suzette Divina-Cruz ("Charging Party Cruz") and a class of similarly situated women who were discriminated against due to their sex (pregnancy). The Commission alleges that Charging Party Cruz and a class of similarly situated women were terminated on the basis of their sex (pregnancy).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,

1 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
2 Section 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as
3 amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), the Pregnancy
4 Discrimination Act of 1978, 42 U.S.C. § 2000e(k), and Section 102 of the Civil
5 Rights Act of 1991, 42 U.S.C. § 1981a.

6 2. The employment practices alleged to be unlawful were committed in
7 Saipan, Northern Mariana Islands and within the jurisdiction of this Court.

PARTIES

9 3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the
10 "Commission"), is the agency of the United States of America charged with the
11 administration, interpretation and enforcement of Title VII, and the Pregnancy
12 Discrimination Act of 1978, 42 U.S.C. § 2000e(k).

13 4. At all relevant times, Defendant Yun's Corporation, a corporation
14 registered to do business in the Commonwealth of the Northern Mariana Islands,
15 has continuously been doing business on the island of Saipan as Payless
16 Supermarket and has continuously had at least 15 employees.

17 5. At all relevant times, Defendant Townhouse Incorporated, a
18 corporation registered to do business in the Commonwealth of the Northern
19 Mariana Islands, has continuously been doing business on the island of Saipan as
20 Townhouse Department Store, and has continuously had at least 15 employees.

21 6. Plaintiff is ignorant of the true names and capacities of each
22 "Defendant," sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues
23 these Defendants by such fictitious names. Plaintiff reserves the right to amend
24 the complaint to name each DOE "Defendant" individually or corporately as they
25 become known. Plaintiff alleges that each "Defendant" named as DOE was in
26 some manner responsible for these acts and omissions alleged and Plaintiff will
27 amend the complaint to allege such responsibility when the same shall have been
28 ascertained by Plaintiff.

7. It is further alleged on information and belief that the named Defendants in the complaint are alter egos, joint employers, and/or integrated enterprises of each other.

8. All of the acts and failures to act alleged herein were duly performed by and attributable to Defendants, each acting as a successor, agent, employee or under the direction and control of the others, except as specifically alleged otherwise. Said acts and failures to act were within the scope of such agency and/or employment, and each Defendant participated in, approved and/or ratified the unlawful acts and omissions by the other Defendant complained of herein. Whenever and wherever reference to any act in this Complaint to any act by a Defendant, such allegations and reference shall also be deemed to mean the acts and failures to act of each Defendant, acting individually, jointly and/or severally.

9. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

10. More than thirty days prior to the institution of this lawsuit, Charging Party Cruz filed a charge with the Commission alleging violations of Title VII by Defendant Yun's Corporation. All conditions precedent to the institution of this lawsuit have been fulfilled.

21 11. Since at least March 2006, Defendants have engaged in unlawful
22 employment practices and a pattern of such practices at their stores, including their
23 Payless Supermarket and Townhouse stores, in violation of Section 703(a) and
24 Section 707 of Title VII, 42 U.S.C. § 2000e-2(a) by failing to renew the
25 employment contracts of Charging Party Cruz and a class of similarly situated
26 women because they became pregnant. Charging Party Cruz was hired to work at
27 Payless but for most of her employment with Defendants she was assigned to work
28 at Townhouse.

1 12. The effect of the practice complained of above has been to deprive
2 Charging Party Cruz and other similarly situated individuals of equal employment
3 opportunities and otherwise adversely affect their status as an employee, because
4 of their sex (pregnancy).

5 13. The unlawful employment practices complained of above were
6 intentional.

7 14. The unlawful employment practices complained of above were done
8 with malice or with reckless indifference to the federally protected rights of
9 Charging Party Cruz and other similarly situated individuals who were
10 discriminated against because they became pregnant.

PRAYER FOR RELIEF

12 Wherefore, the Commission respectfully requests that this Court:

13 A. Grant a permanent injunction enjoining Defendants, their officers,
14 successors, assigns, and all persons in active concert or participation with them,
15 from engaging in discrimination on the basis of pregnancy and any other
16 employment practice which discriminates on the basis of sex.

17 B. Order Defendants to institute and carry out policies, practices, and
18 programs which provide equal employment opportunities for women, and which
19 eradicate the effects of its past and present unlawful employment practices.

20 C. Order Defendants to make whole Charging Party Cruz and other
21 similarly situated individuals who were discriminated against on the basis of
22 pregnancy, by providing appropriate backpay with prejudgment interest, and front
23 pay, in amounts to be determined at trial, and other affirmative relief necessary to
24 eradicate the effects of their unlawful employment practices.

25 D. Order Defendants to make whole Charging Party Cruz and other
26 similarly situated individuals who were discriminated against on the basis of
27 pregnancy, by providing compensation for past and future pecuniary losses
28 resulting from the unlawful employment practices described above, in amounts to

be determined at trial.

E. Order Defendants to make whole Charging Party Cruz and other similarly situated individuals who were discriminated against on the basis of pregnancy, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Charging Party Cruz and other similarly situated individuals punitive damages for their malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

RONALD S. COOPER
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

U.S. Equal Employment Opportunity
Commission
1801 L Street, N.W.
Washington, DC 20507

Date: September 25, 2007.

~~ANNA Y. PARK~~
Regional Attorney

DEREK LI
Supervisory Trial Attorney